

In re Patent Application of:
DE LAENDER ET AL.
Serial No. 10/660,067
Filing Date: September 11, 2003

REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application. Independent claim 64 has been amended to more clearly define the present invention over the cited prior art references. Certain dependent claims have also been cancelled. In addition, new claims 82-95 are being added.

The claim amendments and arguments supporting patentability of the claims are provided below.

I. The Claimed Invention

The present invention, as recited in amended independent Claim 64, is directed to a pallet comprising at least one top support member adapted to support cargo, at least one bottom support member, and a plurality of solid support blocks for separating the at least one and bottom support members so that a lifting member can be inserted therebetween.

Each solid support block comprises a composite material comprising at least one cellular material and at least one thermal plastic material, and having exposed outer surfaces devoid of any openings for completely defining a fastener area. A plurality of fasteners fasten the at least one top and bottom support members to the plurality of solid support blocks via the fastener areas.

Since the support blocks are solid and comprise a composite material comprising at least one cellular material and at least one thermal plastic material, they advantageously

In re Patent Application of:
DE LAENDER ET AL.
Serial No. 10/660,067
Filing Date: September 11, 2003

dissipate energy from impacts caused by the lifting member. In addition, since the exposed outer surfaces of the support blocks are devoid of any openings for completely defining a fastener area, the fasteners can be applied through both the top and bottom support members to any portion of the fastener areas.

New independent Claim 82 is similar to amended independent Claim 64 but recitation of the fasteners has been replaced with nails. New independent method Claim 89 is similar to amended independent device Claim 64.

II. The Claims Are Patentable

The Examiner rejected independent Claim 64 over the Ausavich et al. patent. The Ausavich et al. patent is directed to a pallet with molded plastic pallet spacer feet. The molded plastic pallet spacer feet correspond to the support blocks in the claimed invention.

In the Ausavich et al. patent, the spacer feet 1 includes hallow cylindrical segments 12, one on each side of the vertical section 10 that is solid, as shown in FIGS. 1 and 2. The Examiner has taken the position that the spacer feet in the Ausavich et al. patent includes solid portions that allows nails to be driven therethrough.

The spacer feet 1 in the Ausavich et al. patent also includes a bolt hole 6 extending therethrough as well as drains holes 14 in the bottom portions thereof. In sharp contrast, independent Claim 64 has been amended to recite that the outer surfaces of the support blocks are devoid of any openings for

In re Patent Application of:
DE LAENDER ET AL.
Serial No. 10/660,067
Filing Date: **September 11, 2003**

completely defining the fastener areas.

Since the support blocks are solid and comprise a composite material comprising at least one cellular material and at least one thermal plastic material, they advantageously dissipate energy from impacts caused by the lifting member. In addition, since the exposed outer surfaces of the support blocks are devoid of any openings for completely defining a fastener area, the fasteners can be applied through both the top and bottom support members to any portion of the fastener areas.

Accordingly, it is submitted that amended independent Claim 64 is patentable over the Ausavich et al. patent. New independent Claims 82 and 89 are similar to amended independent Claim 64. Therefore, it is submitted that these claims are also patentable over the Ausavich et al.


In view of the patentability of amended independent Claim 64 and new independent Claims 82 and 89, it is submitted that the dependent claims, which include yet further distinguishing features of the invention are also patentable. These dependent claims need no further discussion herein.

III. CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

In re Patent Application of:
DE LAENDER ET AL.
Serial No. 10/660,067
Filing Date: September 11, 2003

Respectfully submitted,



MICHAEL W. TAYLOR
Reg. No. 43,182
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
407-841-2330